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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,420	04/01/2005	Ian McRobert	100-027	6310
25191 7590 04/03/2007 BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			EXAMINER GRILES, BETHANY L	
			ART UNIT	PAPER NUMBER
			3643	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/03/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/507,420

Applicant(s)

MCROBERT, IAN

Examiner

Bethany L. Griles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogawa JP06090638 abstract and figures.

Regarding claims 1 and 6, Ogawa discloses a waste water extraction system for an aquaculture receptacle having a side wall and a bottom wall, said receptacle filled with water to a particular water level, said system including at least:

- a first conduit U3 having first and second ends;
- a second conduit U2 disposed inside said first conduit, said second conduit having first and second ends;
- a plate 17 extending transversely across and sealing said first end of said first conduit and extending laterally of said first conduit, said plate provided with an axial hole 14a in fluid communication with said first end of said second conduit U2, and said first end of said first conduit provided with at least one aperture near said plate; and,

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spacer means 6 on a surface of said plate opposite said first conduit for spacing said plate 17 from said bottom wall;

said first and second conduits configured to exit said tank at a location at least partially below said pre-determined water level (figure 4).

Regarding claim 2, Ogawa discloses the waste water extraction system according to claim 1 including a sleeve 2

extending about a length of said first conduit to define a region between an inside surface of said sleeve and an outside surface of said length of said first conduit, said sleeve having a first end above said at least one aperture and a second end above said first end of said sleeve; and, means 33 for delivering a gas through said region.

Regarding claim 3, Ogawa discloses the waste water extraction system according to claim 2 wherein said means for

delivering a gas includes a distributor 32 at said first end of said sleeve for distributing said gas to flow from near said first end of said sleeve 2 about said first conduit.

Regarding claim 4, Ogawa discloses the waste water extraction system according to

claim 3 wherein said first conduit includes an opening 25 between its first and second ends, said opening disposed above said pre-determined level.

Regarding claim 6, Ogawa discloses the waste water extraction system

according to claim 4 wherein each of said first and second conduits include a first

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length that contains the respective first ends of said conduits, and extends generally vertically (at 29) ; and, a second length that extends generally horizontally (at 20), said second length disposed at least partially below said pre-determined level (see figure 4).

Regarding claim 7, Ogawa discloses a system according to claim 1 wherein said first U3 and second conduits U2 are arranged to enable lifting of said plate 17 from said bottom wall of said tank (see figure 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 571.272.6888. The examiner can normally be reached on Tuesday 5.30am-3pm and Thursday 5.30am to 3 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571.272.6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

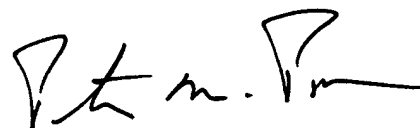
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



blg

Bethany L. Griles
Examiner
Art Unit 3643



Peter M. Poon
Supervisory Patent Examiner
Technology Center 3600